

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

In the Office Action dated May 03, 2006, the Examiner rejected claim 9, under 35 U.S.C. §101, as allegedly being directed to non-statutory subject matter; and rejected claims 1-9, under 35 U.S.C. §102(e), as allegedly being anticipated by Kuroda '011 (U.S. Patent No. 6,311,011).

By this Amendment, claim 1 has been amended to provide a clearer presentation of the claimed subject matter and claims 2 and 5-9 have been cancelled without prejudice or disclaimer. Applicants submit that no new matter has been added. Accordingly, after entry of this Amendment, claims 1 and 3-4 will remain pending in this patent application of which claim 1 is the sole independent claim.

Applicants submit that by virtue of the cancellation of claim 9, the non-statutory rejection has been rendered moot. Accordingly, the immediate withdrawal of the §101 rejection of claim 9 is respectfully requested.

Applicants respectfully traverse the prior art rejections, under 35 U.S.C. §102(e), for the following reasons:

I. Prior Art Rejections of Claim 1 Under 35 U.S.C. §102(e).

As indicated above, independent claim 1 clearly and positively recites, *inter alia*, the use of a determining section configured to determine, after recording has been programmed and during activation of a first task that executes the programmed recording, whether one of the recording drives on which the programmed recording is executed, is being accessed by a second task and a judging section configured to judge, upon the determining section determining that the recording drive is being accessed by the second task, whether real-time recording can be executed by providing simultaneous access to the recording drive for the first and second tasks. Claim 1 also positively recites the use of an interrupting process section configured to: (a) interrupt the second task, upon the judging section judging that

real-time recording cannot be executed, and (b) enabling the first task to execute the programmed recording on the recording drive, upon the determining section determining that the recording drive is being accessed by the second another task.

With this said, Applicants submit that the Kuroda '011 reference does not teach or suggest *each and every limitation* of claim 1, including the features identified above. In particular, Kuroda '011 discloses that temporary storage device 103 is capable of accommodating simultaneous access to different tasks. (See, Kuroda '011: col. 2, line 24-55). However, there is nothing in Kuroda '011 that suggests structure for executing a programmed recording when the storage device is accessed by two tasks simultaneously.

As such, Kuroda '011 fails to teach or suggest the use of an interrupting process section configured to: (a) interrupt the second task, upon the judging section judging that real-time recording cannot be executed, and (b) enabling the first task to execute the programmed recording on the recording drive, upon the determining section determining that the recording drive is being accessed by the second another task, as required by claim 1.

For at least these reasons, Applicants submit that Kuroda '011 fails to teach the claimed combination of elements recited by amended claim 1. Accordingly, claim 1 is patentable over these references. As such, Applicants respectfully request the immediate withdrawal of the rejection of claim 1, under 35 U.S.C. §102(e). In addition, because claims 2-7, 9, and 14-15 depend from claim 1, claims 2-7, 9, and 14-15 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 2-7, 9, and 14-15 is respectfully requested.

With regard to independent claim 11, Applicants remain at a loss as to how the combination of Brink '275 and Shigeo '495 are remotely capable of teaching or suggesting each and every feature of claim 1. The Examiner summarily asserted that claim 11 is rejected for the same reasons as claim 1. Applicants strenuously disagree.

First of all, by virtue of reciting features that are similar to the patentable features of claim 1, claim 11 is patentable for at least the reasons given with respect to claim 1.

Equally important, however, is the fact that claim 11 is directed to positioning a *substrate* at a required position on a *substrate table*. To this end, claim 11 specifically and

positively recites measuring a displacement between the first position of the *substrate* and a required position of the *substrate* on the *substrate table*, removing the *substrate* from the *substrate* table, and translating the *substrate*, the *substrate table*, or both, relative to each other by substantially the displacement, in a direction substantially parallel to the plane of the *substrate table*. There is absolutely nothing in either Brink '275 and Shigeo '495 that has anything to do with the positioning, measuring, removing, or translating a *substrate* or *substrate table*, as these references are specifically dedicated to the alignment of reticles or masks.

Applicants, therefore, submit that the Brink '275 and Shigeo '495 references do not, in any way, remotely suggest or otherwise infer the application of their respective teachings to substrates or substrate tables. The only disclosure that teaches positioning a mask at a required position on a mask table as well as positioning a substrate at a required position on a substrate table is in the Applicants' disclosure. The assertion that Brink '275 and Shigeo '495 teach the features of claim 11 can only be achieved by disregarding the recited claim language or based on impermissible hindsight.

For at least these reasons, Applicants submit that none of the applied references teach the claimed combination of elements recited by amended claim 11. Accordingly, claim 11 is patentable over these references. As such, Applicants respectfully request the immediate withdrawal of the rejection of claim 11, under 35 U.S.C. §103(a). In addition, because claims 3-4 depend from claim 1, claims 3-4 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 3-4 is also respectfully requested.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue in which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP
SHAW PITTMAN LLP**



E. RICO HERNANDEZ
Reg. No. 47641
Tel. No. (703) 770-7788
Fax No. (703) 770-7901

Date: July 28, 2006
ERH/dlh/zfa
P.O. Box 10500
McLean, VA 22102
(703) 770-7900